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TECH CENTER 1600/2900

Assistant Commissioner
for Patents
Washington, D.C. 20231



**SECOND AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. §1.111**

#21/K.T.
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Dear Sir:

In response to the Official Action dated November 20,
2001, please amend the above-identified patent application as
follows:

In the claims:

Please amend claims 37, 40, and 50 as follows:

37. (Amended) An isolated pesticidal agent which is an
extracellular protein obtainable from a *Xenorhabdus*
nematophilus species and which is encoded by the nucleotide
sequence of Figure 2 (SEQ ID No 1) or encoded by a variant
obtained from *Xenorhabdus nematophilus*, the sequence of
said variant hybridizing with said sequence of Figure 2
under stringent conditions, said protein having toxic
activity when administered orally to an insect.

40. (Amended) An agent according to claim 37, which
- has oral pesticidal activity against *Pieris brassicae*,
Pieris rapae and *Plutella xylostella*,
 - is substantially heat stable to 55°C,
 - acts synergistically with *B. thuringiensis* cells as an